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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,777	02/07/2004	Tim Clegg	LED.Pendant	9342
23616	7590	06/28/2005	EXAMINER	
LAW OFFICES OF CLEMENT CHENG 17220 NEWHOPE STREET #127 FOUNTAIN VALLEY, CA 92708			DUNWIDDIE, MEGHAN K	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/775,777

Applicant(s)

CLEGG, TIM

Examiner

Meghan K. Dunwiddie

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,7,12 and 16 is/are rejected.
- 7) ☒ Claim(s) 2-4,6,8-11,13-15,17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

This Office Action is a Non-Final Rejection in response to the application filed on February 7, 2004 by **Clegg**.

#### *Specification*

1. The disclosure is objected to because of the following informalities:
  - In the "Call Out List of Elements", there is a misspelling of element number 22. Element 22 should be "First Electrical Cord", not "First Electrical Cod".Appropriate correction is required.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5, 7, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ohlund** (US 6,233,971) in view of **Ohlund** (US 6,626,009) and **Jackson et al.** (US 2002/0089859).
4. Regarding Claim 1, **Ohlund** (US 6,223,971) shows an LED illuminated pendant [Figure 1a: (20)] comprising:

Art Unit: 2875

- A necklace [Figure 1a: (10)] formed of a first strand [Figure 1a: (26)] having a pair of electrical wires of positive and negative polarity [Figure 1c: (31)] disposed within the first strand [Figure 1a: (26)]; a second strand [Figure 1a: (30)]; a barrel housing [Figure 1a: (12)] and a pendant [Figure 1a: (20)] lit by an LED element [Figure 4: (16)] mounted on the pendant [Figure 1a: (20)];
- Wherein the first strand [Figure 1a: (26)] joins to the barrel housing [Figure 1a: (12)], the barrel housing [Figure 1a: (12)] forming a housing connector [Figure 1d: (14b)] at its end, the second strand [Figure 1a: (30)] attached to a second strand connector [Figure 1d: (14)], the second strand connector [Figure 1d: (14)] removably joins to the housing connector [Figure 1d: (14b)], the pendant [Figure 1a: (20)] attached to the first strand [Figure 1a: (20)] and the second strand [Figure 1a: (30)], a plurality of batteries [Figure 1d: (21) and (22)], electrical wires [Figure 1c: (31)] disposed within the first strand [Figure 1a: (26)] provide electricity to the LED [Figure 4: (16)] mounted in the pendant [Figure 1a: (20)] from the plurality of batteries [Figure 1d: (21) and (22)]

5. **Ohlund** (US 6,223,971) does not show:

- A printed circuit board.
- A switch completes the circuit.

6. **Jackson et al.** (US 2002/0089859) teaches:

- A printed circuit board [Figure 1: (22)].

- A switch [Figure 1: (36)] completes the circuit [Figure 5].

7. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to provide a circuit board and a switch taught by **Jackson et al.** (US 2002/0089859) to complete the printed circuit board for the purpose and advantage of providing the means of being able to actuate and de-actuate the LED illuminated pendant of **Ohlund** (US 6,233,971) without having to unassembled the pendant necklace. This would provide a convenience to the wearer of the pendant necklace in which the wearer would be able to continually wear the pendant necklace whether it is in the on or off mode.

8. **Ohlund** (US 6,233,971) and **Jackson et al.** (US 2002/0089859) do not show:

- The barrel housing holding a battery cage, the battery cage holding a plurality of batteries.

9. However, **Ohlund** (US 6,626,009) teaches:

- The barrel housing [Figure 1: (46)] holding a battery cage [Figure 1: (84)], the battery cage [Figure 1: (84)] holding a plurality of batteries [See column 5 lines 48-50].

10. It would have been obvious for one of ordinary skill in the art, at the time of the invention, to provide a battery cage taught by **Ohlund** (US 6,626,009) within the barrel

Art Unit: 2875

housing of **Ohlund** (US 6,233,971) for the purpose and advantage of securing the batteries within the battery housing and forming an electrical interconnection between the second strand and the negative terminal of the battery.

11. Regarding Claim 7, **Ohlund** (US 6,233,971) shows an LED illuminated pendant [Figure 1a: (20)] comprising:

- A necklace [Figure 1a: (10)] formed of a first strand [Figure 1a: (26)] having a pair of electrical wires of positive and negative polarity [Figure 1c: (31)] disposed within the first strand [Figure 1a: (26)]; a battery housing [Figure 1a: (12)]; the battery housing [Figure 1a: (12)] forming a housing connector [Figure 1d: (14d)] at its end, the second strand [Figure 1a: (30)] attached to a second strand connector [Figure 1d: (14)], the second strand connector [Figure 1d: (14)] removably joins to the housing connector [Figure 1d: (14d)], the pendant [Figure 1a: (20)] attached to the first strand [Figure 1a: (26)] and the second strand [Figure 1a: (30)], a plurality of batteries [Figure 1d: (21) and (22)], electrical wires [Figure 1c: (31)] disposed within first strand [Figure 1a: (26)] provide electricity to the LED [Figure 4: (16)] mounted in the pendant [Figure 1a: (20)] from the plurality of batteries [Figure 1d: (21) and (22)].

12. **Ohlund** (US 6,223,971) does not show:

- A printed circuit board.
- A switch completes the circuit.

Art Unit: 2875

13. **Jackson** et al. (US 2002/0089859) teaches:

- A printed circuit board [Figure 1: (22)].
- A switch [Figure 1: (36)] completes the circuit [Figure 5].

14. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to provide a circuit board and a switch taught by **Jackson** et al. (US 2002/0089859) to complete the printed circuit board for the purpose and advantage of providing the means of being able to actuate and de-actuate the LED illuminated pendant of **Ohlund** (US 6,233,971) without having to unassembled the pendant necklace. This would provide a convenience to the wearer of the pendant necklace in which the wearer would be able to continually wear the pendant necklace whether it is in the on or off mode.

15. **Ohlund** (US 6,233,971) and **Jackson** et al. (US 2002/0089859) do not show:

- The barrel housing holding a battery cage, the battery cage holding a plurality of batteries.

16. However, **Ohlund** (US 6,626,009) teaches:

- The barrel housing [Figure 1: (46)] holding a battery cage [Figure 1: (84)], the battery cage [Figure 1: (84)] holding a plurality of batteries [See column 5 lines 48-50].

Art Unit: 2875

17. It would have been obvious for one of ordinary skill in the art, at the time of the invention, to provide a battery cage taught by **Ohlund** (US 6,626,009) within the barrel housing of **Ohlund** (US 6,233,971) for the purpose and advantage of securing the batteries within the battery housing and forming an electrical interconnection between the second strand and the negative terminal of the battery.

18. Regarding Claim 12, **Ohlund** (US 6,233,971) shows an LED illuminated pendant [Figure 1a: (20)] comprising:

- An LED lighted pendant element [Figure 1a: (20)] held by a first strand [Figure 1a: (26)] and second strand [Figure 1a: (30)]; a battery housing [Figure 1a: (12)] forming a housing connector [Figure 1d: (14d)] at a first end, the first strand [Figure 1a: (26)] attached to the battery housing [Figure 1a: (12)], the first strand [Figure 1a: (26)] having a pair of electrical wires of positive and negative polarity [Figure 1c: (31)] disposed within; the second strand [Figure 1a: (30)] attached to the second strand connector [Figure 1d: (14)] that removably joins the housing connector [Figure 1d: (14d)].

19. **Ohlund** (US 6,233,971) does not show:

- A printed circuit board controlling LED activation according to a switch mode activated by a push switch.



Art Unit: 2875

20. **Jackson** et al. (2002/0089859) teaches:

- A printed circuit board [Figure 1: (22)] controlling LED activation according to a switch mode [] activated by a push switch [Figure 1: (36)].

21. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to provide a circuit board and a push switch taught by **Jackson** et al. (US 2002/0089859) to complete the printed circuit board for the purpose and advantage of providing the means of being able to actuate and de-actuate the LED illuminated pendant of **Ohlund** (US 6,233,971) without having to unassembled the pendant necklace. This would provide a convenience to the wearer of the pendant necklace in which the wearer would be able to continually wear the pendant necklace whether it is in the on or off mode.

212. **Ohlund** (6,233,971) and **Jackson** et al. (2002/0089859) do not show:

- The battery housing holding a battery cage holding a plurality of batteries.

23. However, **Ohlund** (US 6,626,009) teaches:

- The battery housing [Figure 1: (46)] holding a battery cage [Figure 1: (84)], the battery cage [Figure 1: (84)] holding a plurality of batteries [See column 5 lines 48-50].

Art Unit: 2875

24. It would have been obvious for one of ordinary skill in the art, at the time of the invention, to provide a battery cage taught by **Ohlund** (US 6,626,009) within the battery housing of **Ohlund** (US 6,233,971) for the purpose and advantage of securing the batteries within the battery housing and forming an electrical interconnection between the second strand and the negative terminal of the battery.

25. Regarding Claims 5 and 16, **Ohlund's** (US 6,233,971) battery comprises two 3.0 Volt batteries, while Claims 5 and 16 recite three 1.5 Volt batteries.

26. It is well known to make changes in size where needed (see MPEP 2144.04; In *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed Cir. 1984), *cert. denied*, 469 U.S. 830, 225 USPQ 232 (1984)).

26. It would have been obvious to one of ordinary skill in the art, at the time of the invention to provide three 1.5 V batteries in **Ohlund** (US 6,233,971) since changes in the size of the batteries would allow one to select a greater range of LED's for use in the illuminated pendant.

#### ***Allowable Subject Matter***

27. Claims 2-4, 6, 8-11, 13-15, and 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2875

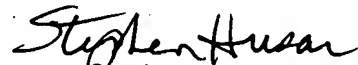
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meghan K. Dunwiddie whose telephone number is (571) 272-8543. The examiner can normally be reached on Monday through Friday 8 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MKD

  
Stephen Husar  
Primary Examiner